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September 19, 2013

VIA ELECTRONIC FILING

Hon. William H. Pauley III
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Chichakli*, 09 cr. 1002 (WHP)

Dear Judge Pauley:

I am Stand By Counsel for the above named defendant. Mr. Chichakli's laptop computer was tampered with during a routine software installation by the Bureau of Prisons' (BOP) IT Department. Mr. Chichakli would like this matter investigated and a report submitted at our next scheduled conference on September 27, 2013.

Mr. Chichakli was given a laptop computer by the Government, with the consent of the Court, to review the large volume of discovery in this case. Mr. Chichakli could not read emails because Outlook Software was not installed. Arrangements were made last week to have the software installed by the U.S. Attorney's Office. However, the BOP requested that the software be installed by their IT Department. The installation was completed a few days ago. The installation was done by the IT Department of the BOP and not the U.S. Attorney's Office. Mr. Chichakli noticed a number of problems when the computer was returned to him: 1. His logs were accessed, which means they reviewed the documents that he reviewed, 2. Approximately 165 gigabytes of material was removed from the laptop's hard drive and 3. He still could not access the emails via Outlook because it was password protected and he was not given the password.

The computer should not have been tampered with during a routine installation of software. Mr. Chichakli wants an explanation from the BOP concerning this matter. The explanation should contain a chain of custody summary and a detailed explanation as to why the computer was

reviewed by the BOP's IT Department.

Sincerely,

s/Marlon G. Kirton

Marlon G. Kirton, Esq.

cc: Jenna Dabbs, Assistant United States Attorney (via electronic mail)
Christian Everdell, Assistant United States Attorney (via electronic mail)
Ian McGinley, Assistant United States Attorney (via electronic mail)